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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
1814

First named inventor: Thomas LEWIN

Application No.: 10/540,679

Art Unit:

Filed: 23 June 2005

Examiner:

Title: Method to Supply Electric Current to a Tube Furnace

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,540.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Inventor's Declaration and Power of Attorney (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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03/25/2008 HVUONG1 00000047 501300 10540679

01 FC:1453 1540.00 DA

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3. Terminal disclaimer with disclaimer fee


☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
\_\_\_\_\_  
Signature  
  
Alfred J. Mangels  
\_\_\_\_\_  
Typed or printed name  
  
4729 Cornell Road  
\_\_\_\_\_  
Address  
  
Cincinnati, OH 45241-2433  
\_\_\_\_\_  
Address

3/20/08  
\_\_\_\_\_  
Date  
  
22,605  
\_\_\_\_\_  
Registration Number, if applicable  
  
(513) 469-0470  
\_\_\_\_\_  
Telephone Number

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay  
Notification of Missing Requirements; Notification of Abandonment; Reply to Notification of

☒ Other: Abandonment along with copy of PAIR printout dated 12/31/2007 and copy of PAIR printout dated 03/20/2008


**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

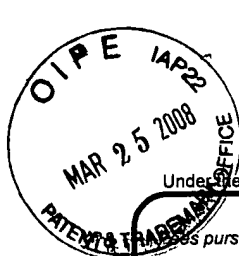
I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

3/20/08  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature  
Alfred J. Mangels  
\_\_\_\_\_  
Typed or printed name of person signing certificate



PTO/SB/17 (10-07)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2008

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,540.00

**Complete if Known**

|                      |              |
|----------------------|--------------|
| Application Number   | 10/540,679   |
| Filing Date          | 06/23/2005   |
| First Named Inventor | Thomas LEWIN |
| Examiner Name        |              |
| Art Unit             |              |
| Attorney Docket No.  | 1814         |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 501300 Deposit Account Name: Alfred J. Mangels

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 310         | 155                   | 510         | 255                   | 210              | 105                   |                |
| Design           | 210         | 105                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 210         | 105                   | 310         | 155                   | 160              | 80                    |                |
| Reissue          | 310         | 155                   | 510         | 255                   | 620              | 310                   |                |
| Provisional      | 210         | 105                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

| Fee (\$) | Small Entity Fee (\$) |
|----------|-----------------------|
| 50       | 25                    |

Each independent claim over 3 (including Reissues)

|     |     |
|-----|-----|
| 210 | 105 |
|-----|-----|

Multiple dependent claims

|     |     |
|-----|-----|
| 370 | 185 |
|-----|-----|

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|----------|---------------|
|--------------|--------------|----------|---------------|

- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|---------------|--------------|----------|---------------|
|---------------|--------------|----------|---------------|

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
|--------------|--------------|--|----------|---------------|

- 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Petition for Revival

1,540

**SUBMITTED BY**

|                   |                   |                                   |         |           |                |
|-------------------|-------------------|-----------------------------------|---------|-----------|----------------|
| Signature         |                   | Registration No. (Attorney/Agent) | 22,605  | Telephone | (513) 469-0470 |
| Name (Print/Type) | Alfred J. Mangels | Date                              | 3/20/08 |           |                |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:

Thomas LEWIN

Serial No.: 10/540,679

Filed: June 23, 2005

For: METHOD TO SUPPLY ELECTRIC  
CURRENT TO A TUBE FURNACE

Group Art Unit

Examiner:

## REPLY TO NOTIFICATION OF ABANDONMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to a NOTIFICATION OF ABANDONMENT dated January 17, 2008 (copy attached as Exhibit A) relative to the above-identified application.

This application was held abandoned for failure to meet the complete filing requirements. The application is a PCT U.S. national phase application that is based upon PCT/SE03/01886, which designates the U.S. The application papers to enter the U.S. national phase were deposited on June 23, 2005, but did not include an inventor's declaration. The undersigned was awaiting the issuance of a NOTIFICATION OF MISSING REQUIREMENTS, but no such Notification was ever received. And because PCT national phase

applications have characteristically involved much slower processing times in the Office, the delay was not considered to be especially unusual.

Periodic checks by the undersigned of the status of the application on the PAIR system were made on 07/12/2006, 08/11/2006, 09/27/2007, and 12/31/2007. In each instance the system indicated that the status was: "Application undergoing Preexam processing." Attached hereto as Exhibit B is a printout dated 12/31/2007, of the most recently checked PAIR system Application Data page for this application, which again showed the status of the application as: "Application undergoing Preexam processing."

After receiving the NOTIFICATION OF ABANDONMENT the undersigned again checked the PAIR system for this application. On the Image File Wrapper page (copy attached as Exhibit C) is an entry dated 12-19-2005 that was identified as: "Missing Requirements Mailed." However, when that document (copy attached as Exhibit D) is accessed and printed, it reveals that it was not directed to the undersigned, who is the sole attorney of record for this application, but, instead, to a Minneapolis, Minnesota firm (customer number 28075, instead of 22676). Moreover, that document relates to a different U.S. application number (10/540,810; instead of 10/540,679), it identifies a different inventor (Johannes Georg Schaede, instead of Thomas Lewin), it identifies a different Attorney Docket No. (1204.1113101, instead of 1814), it identifies a different International Application Number (PCT/IB04/00059, instead of PCT/SE03/01886), it identifies a different International Application filing date (01/08/2004, instead of 12/04/2003), and it identifies a different Priority Date

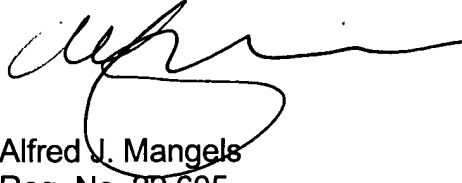
(01/15/2003, instead of 12/24/2002). Thus, the missing requirements document associated in the PAIR system with the present application relates to a different application, and therefore it cannot constitute a sufficient notification that would warrant abandonment if not timely complied with. Additionally, even as of this date the PAIR system does not presently identify a correctly addressed missing requirements document as having been issued for this application, and therefore there has been no failure to conform with a date for providing any missing requirements that would warrant abandonment of the present application.

Filed concurrently with this Reply is a PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b). But based upon the facts related above, there is no proper basis for a holding of abandonment of the present application, because a correct NOTIFICATION TO FILE MISSING REQUIREMENTS has not been issued. Thus, the petition fee authorized in the Petition should not be necessary in order to revive the present application, and if charged, it is requested that it be refunded to the Deposit Account of the undersigned (Deposit Account No. 501300). Further, the concurrently-filed Petition includes as an attachment the item that would have been identified as the missing requirement for this application, which is the inventor's Declaration to complete the filling requirements.

The examiner is cordially invited to telephone the undersigned attorney if this Reply raises any questions, so that any such question can be

quickly resolved in order that the present application can be restored to active status.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred J. Mangels', with a large, stylized loop at the end.

March 20, 2008

Alfred J. Mangels  
Reg. No. 22,605  
4729 Cornell Road  
Cincinnati, Ohio 45241  
Tel.: (513) 469-0470



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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/540,679                  | Thomas Lewin          | 1814             |

20676  
ALFRED J MANGELS  
4729 CORNELL ROAD  
CINCINNATI, OH 452412433

| INTERNATIONAL APPLICATION NO. |               |
|-------------------------------|---------------|
| PCT/SE03/01886                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 12/04/2003                    | 12/23/2002    |

**CONFIRMATION NO. 8883**  
**371 ABANDONMENT/TERMINATION**  
**LETTER**



Date Mailed: 01/17/2008

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 12/19/2005 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

CHARITTA A SHELTON

Telephone: (703) 308-9140 EXT 207

**EXHIBIT A**





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10/540,679

Method to supply electric current to a tube furnace

P

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## Bibliographic Data

|                         |                                    |                            |   |
|-------------------------|------------------------------------|----------------------------|---|
| Application Number:     | 10/540,679                         | Customer Number:           | 20676                                     |
| Filing or 371 (c) Date: | -                                  | Status:                    | Application Undergoing Preexam Processing |
| Application Type:       | Utility                            | Status Date:               | 07-11-2005                                |
| Examiner Name:          | -                                  | Location:                  | ELECTRONIC                                |
| Group Art Unit:         | 3742                               | Location Date:             | -   |
| Confirmation Number:    | 8883                               | Earliest Publication No:   | -   |
| Attorney Docket Number: | 1814 <a href="#">Update</a>        | Earliest Publication Date: | -   |
| Class / Subclass:       | 219/                               | Patent Number:             | -   |
| First Named Inventor:   | Thomas Lewin , Hallstahammar, (SE) | Issue Date of Patent:      | -   |

Title of Invention: Method to supply electric current to a tube furnace

## If you need help:

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EXHIBIT B



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10/540,679

Method to supply electric current to a tube furnace

PA

|                 |                  |                     |                    |                 |                  |                          |                    |                    |
|-----------------|------------------|---------------------|--------------------|-----------------|------------------|--------------------------|--------------------|--------------------|
| Select New Case | Application Data | Transaction History | Image File Wrapper | Continuity Data | Foreign Priority | Address & Attorney/Agent | Display References | Publication Review |
|-----------------|------------------|---------------------|--------------------|-----------------|------------------|--------------------------|--------------------|--------------------|

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

## Available Documents

| Mail Room Date | Document Code | Document Description   | Document Category | Page Count |                          |
|----------------|---------------|--|-------------------|------------|--------------------------|
| 01-17-2008     | ABN           | Abandonment  | PROSECUTION       | 1          | <input type="checkbox"/> |
|                |               | <a href="#">Notice of DO/EO</a>                                  |                   |            |                          |
| 12-19-2005     | M905          | <a href="#">Missing Requirements Mailed</a>                      | PROSECUTION       | 2          | <input type="checkbox"/> |
| 06-23-2005     | TRNA          | <a href="#">Transmittal of New Application</a>                   | PROSECUTION       | 2          | <input type="checkbox"/> |
| 06-23-2005     | SPEC          | <a href="#">Specification</a>                                    | PROSECUTION       | 6          | <input type="checkbox"/> |
| 06-23-2005     | CLM           | <a href="#">Claims</a>   | PROSECUTION       | 3          | <input type="checkbox"/> |
| 06-23-2005     | ABST          | <a href="#">Abstract</a>   | PROSECUTION       | 1          | <input type="checkbox"/> |
| 06-23-2005     | DRW           | <a href="#">Drawings-only black and white line drawings</a>      | PROSECUTION       | 3          | <input type="checkbox"/> |
| 06-23-2005     | IMIS          | <a href="#">Miscellaneous Internal Document</a>                  | PROSECUTION       | 3          | <input type="checkbox"/> |
| 06-23-2005     | WCLM          | <a href="#">Claims Worksheet (PTO-2022)</a>                      | PROSECUTION       | 1          | <input type="checkbox"/> |
| 06-23-2005     | WFEE          | <a href="#">Fee Worksheet (PTO-06)</a>                           | PROSECUTION       | 1          | <input type="checkbox"/> |
| 06-23-2005     | WFEE          | <a href="#">Fee Worksheet (PTO-06)</a>                           | PROSECUTION       | 1          | <input type="checkbox"/> |
| 06-23-2005     | A.PE          | <a href="#">Preliminary Amendment</a>                            | PROSECUTION       | 1          | <input type="checkbox"/> |
| 06-23-2005     | SPEC          | <a href="#">Specification</a>                                    | PROSECUTION       | 1          | <input type="checkbox"/> |
| 06-23-2005     | CLM           | <a href="#">Claims</a>   | PROSECUTION       | 7          | <input type="checkbox"/> |
| 06-23-2005     | DRW           | <a href="#">Drawings-only black and white line drawings</a>      | PROSECUTION       | 4          | <input type="checkbox"/> |
| 06-23-2005     | REM           | <a href="#">Applicant Arguments/Remarks Made in an Amendment</a> | PROSECUTION       | 15         | <input type="checkbox"/> |
| 06-23-2005     | ABST          | <a href="#">Abstract</a>   | PROSECUTION       | 1          | <input type="checkbox"/> |
| 06-23-2005     | SPEC          | <a href="#">Specification</a>                                    | PROSECUTION       | 10         | <input type="checkbox"/> |
| 06-23-2005     | IDS           | <a href="#">Information Disclosure Statement (IDS) Filed</a>     | PROSECUTION       | 3          | <input type="checkbox"/> |
| 06-23-2005     | FOR           | <a href="#">Foreign Reference</a>                                | PROSECUTION       | 24         | <input type="checkbox"/> |
| 06-23-2005     | NPL           | <a href="#">NPL Documents</a>                                    | PROSECUTION       | 2          | <input type="checkbox"/> |
| 06-23-2005     | NPL           | <a href="#">NPL Documents</a>                                    | PROSECUTION       | 3          | <input type="checkbox"/> |
| 06-23-2005     | FRPR          | <a href="#">Certified Copy of Foreign Priority Application</a>   | PROSECUTION       | 17         | <input type="checkbox"/> |
| 06-23-2005     | ADS           | <a href="#">Application Data Sheet</a>                           | PROSECUTION       | 2          | <input type="checkbox"/> |
| 06-23-2005     | 371P          | <a href="#">Documents submitted with 371 Applications</a>        | PROSECUTION       | 13         | <input type="checkbox"/> |
| 06-23-2005     | 371P          | <a href="#">Documents submitted with 371 Applications</a>        | PROSECUTION       |            |                          |
| 06-23-2005     | 371P          | <a href="#">Documents submitted with 371 Applications</a>        | PROSECUTION       |            |                          |

EXHIBIT C

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